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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/000,376	10/31/2001	Gordon Malcom Tomlinson	P00027US1A	9010

7590 05/24/2004

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EXAMINER
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DEL SOLE, JOSEPH S

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/000,376	Applicant(s) TOMLINSON, GORDON MALCOM	
	Examiner Joseph S. Del Sole	Art Unit 1722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-3, 19 and 20 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-8 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 9-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/15/02</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without indication of traverse of claims 4-18 in the response of 4/20/04 is acknowledged.
2. Claims 1-3 and 19-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim. Election was made **without** indication of traverse.
3. A complete reply to this action should include cancelation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

### ***Priority***

4. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Italy on 11/7/2000. It is noted, however, that applicant has not filed a certified copy of the TO 2000 A 001048 application as required by 35 U.S.C. 119(b).

### ***Information Disclosure Statement***

5. The information disclosure statement filed 7/15/2002 complies with the provisions of 37 CFR 1.97, 1.98 and MPEP 609. It has been placed in the application file and the information referred to therein has been considered as to its merits.

### ***Specification***

6. The disclosure is objected to because of the following informalities: **a)** the invention is only to the apparatus, however the title reflects a method also; the title should be amended to refer only to the apparatus.

Appropriate correction is required.

***Claim Objections***

7. Claim 9 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 9 fails to further limit the parent claim because its limitations are only to the material shaped and its function in the final product. The descriptions of the material and its function do not serve to further define the structure of the apparatus.

***Double Patenting***

8. Claims 10-13 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 5-8. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k). The only difference between claims 10-13 and their duplicates is the dependence of claims 10-13 on claim 9. Since claim 9 is not further limiting of the apparatus (as discussed above), claims 10-13 are substantial duplicates of claims 5-8.

***Allowable Subject Matter***

9. Claims 4-8 are allowed.

10. Claims 14-18 are objected to as being dependent upon an objected base claim, but would be allowable if claim 14 is rewritten to be dependent on claim 4.

11. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach or suggest a device having a performing plate with a pair of tapered flow channels for coextruding; the two channels having respective offset, side by side inlets having respective superimposed adjacent lateral portions; coplanar outlets having respective adjacent lateral portions formed and interconnected to define between two formed strips an L-shaped joint; wherein the outlets are constructed such that a lateral portion of the second formed strip has an edge substantially contacting a lateral shoulder of the first strip and is superimposed on a thin annular appendix projecting from the shoulder of the first strip. The closest prior art, Miyakawa et al (5,424,019), fails to teach a pair of tapered flow channels having side by side inlets with lateral portions and coplanar outlets interconnected to define an L-shaped joint between the two extruded strips.

#### ***References of Interest***

12. Nakamura (6,294,119) is cited of interest to show the state of the art.

#### ***Conclusion***

13. This application is in condition for allowance except for the following formal matters:

- a) the claims, 1-3 and 19-20, non-elected without traverse need to be cancelled;
  - b) a certified copy of the Foreign Priority Patent must be furnished;
  - c) the title must be corrected to reflect only the allowed apparatus;
  - d) claim 9 must be deleted because it does not further limit the parent claim;
- and

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e) claims 10-13 must be deleted because they are substantial duplicates of 5-8.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

### ***Correspondence***

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Joseph S. Del Sole whose telephone number is (571) 272-1130. The examiner can normally be reached on Monday through Friday from 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wanda Walker, can be reached at (571) 272-1151. The official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for both non-after finals and for after finals.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from the either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on the access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll-free).

*Joseph S Del Sole*

J.S.D.

May 19, 2004

  
**ROBERT DAVIS**  
**PRIMARY EXAMINER**  
**GROUP 1300-1700**

*5/20/04*